

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF IOWA  
WESTERN DIVISION**

THE JOHN ERNEST LUCKEN  
REVOCABLE TRUST, and JOHN  
LUCKEN and MARY LUCKEN,  
TRUSTEES, and JOHN LUCKEN,  
individually, and MARY LUCKEN,  
individually,

Plaintiffs,

vs.

HERITAGE BANCSHARES GROUP,  
INC., and HERITAGE BANK  
NATIONAL ASSOCIATION, and  
THOMAS GEIGER, GARY GEIGER,  
JOHN ANIFINSON, directors of  
Heritage Bank, and ROBERT  
MATHIASSEN, Chief Credit Officer of  
Heritage Bank,

Defendants.

No. C 16-4005-MWB

**ORDER GRANTING DEFENDANTS'  
MOTION TO EXCLUDE  
PLAINTIFFS' EXPERT TIMOTHY  
NAEGELE**

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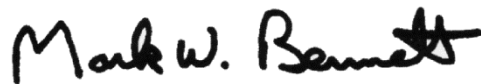
On March 17, 2017, the defendants filed their Motion To Exclude Plaintiffs' Expert Timothy Naegele (docket no. 65). On May 15, 2017, I entered an order setting a deadline for the plaintiffs to file a belated response to the motion, because no response had been filed. On May 16, 2017, the plaintiffs filed their Withdrawal Of Designation Of Expert Witness Timothy Naegele And Non-Resistance To Motion To Exclude Naegele From Testifying. The plaintiffs explain that they had notified the defendants that they did not resist the Motion and that they had repeated that statement in a hearing before a magistrate judge. N.D. IA. L.R. 7(f) encourages, but does not require, a party to file a statement indicating a motion will not be resisted. Under the circumstances, it is

understandable that the parties believed that the defendants' Motion was not resisted and that no further action on their part was required.

THEREFORE, the defendants' March 17, 2017, Motion To Exclude Plaintiffs' Expert Timothy Naegele (docket no. 65) is **granted**.

**IT IS SO ORDERED.**

**DATED** this 16th day of May, 2017.

A handwritten signature in black ink that reads "Mark W. Bennett". The signature is written in a cursive, slightly stylized font. The "M" is large and loops around the "a". The "W" is formed by two connected loops. The "B" is also large and loops around the "e". The "n" and "e" are connected. The "t" has a short horizontal stroke.

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MARK W. BENNETT  
U.S. DISTRICT COURT JUDGE  
NORTHERN DISTRICT OF IOWA